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*Contains opinion of Asst. Atty. General
Sep. vol. for Atty. Gen. & Deputy*

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CONCORD, N.H.

Mr. Walter F. Mead
Assistant Business Supervisor
Department of Administration and Control
State House
Concord, New Hampshire

Dear Sir:

You have requested the opinion of this office relative to the Veterans' Housing Fund at Keene Teachers' College. More specifically you ask what disposition should be made of the present special fund of approximately \$32,000, and, secondly, you ask what the future procedure should be regarding moneys received from rent of the so-called veterans' apartments. It is my understanding that the federal government supplied the apartments referred to under an agreement with the State of New Hampshire that rents received would be maintained in a separate fund and turned over to the federal government for disposition. After a change in the law the federal government withdrew from the picture, turned over the housing to the State of New Hampshire with the restriction that upon abandonment by the State the housing would be torn down and the land returned to its original form.

Because of the agreement with the federal government a special fund was set up in the office of the State Treasurer and has continued to exist until the present time.

It is my opinion that there is no authority for such a special fund and while the Keene Teachers' College may use its revenue in excess of appropriations received from dormitory rentals, the school may not accumulate funds under this authority from year to year.

In accordance with the above it is my opinion that the income from veterans' apartments now contained in the special fund should be lapsed by the Comptroller, and, in the future, revenue derived from this source should go directly to the general funds of the State. In addition, under the provisions of chapters 338 and 339 of the Laws of 1955, receipts for veterans' housing in the form of rents is considered to be available for expenditure under the footnote to the appropriation for the Department of Education.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AEB,Jr/T